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EXAMINER

SUBRAMANIAN, NARAYANSWAMY

ART UNIT

PAPER NUMBER

3695

MAIL DATE

DELIVERY MODE

10/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. This office action is in response to applicant's communication of September 10, 2009. Amendments to claims 1 and 2, and cancellation of claim 3 have been entered. Claims 1 and 2 are pending and have been examined. The rejections and response to arguments are stated below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "selecting, by a computer process a settlement rule", "defining, by a computer process", "locking-in, by a computer process", "selecting, by a computer process, transfer instructions", "checking, by a computer process", and "reporting, by a computer process". It is not clear if these computer processes are the same or different processes. This claim also recites the limitation "providing a set of settlement rules to be followed in the clearing process". It is not clear at what of the method the clearing takes place. The limitation "the locking-in having the effect of reserving said assets for a specific settlement" is interpreted as an intended use of the locking-in step. The step of reserving said assets for a specific settlement is not positively recited to assure that the reserving has indeed taken place. Also in the claim the recitation of "selecting, by a computer process, transfer instructions from the set of transfer instructions for all settlement instructions belonging to said settlement instruction group, said transfer instructions being irrevocable instructions to transfer the locked-in assets between

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participants in the CSD” does not imply that the transfer instructions have been implemented. It only implies that the transfer instructions have been selected. Also the limitation “to transfer the locked-in assets between participants in the CSD” is interpreted as intended use of the transfer instructions. Similarly the limitation “to complete settlement of the financial transaction” is interpreted as intended use of the checking step. Hence it is not clear at what step the settlement of the financial transaction takes place. The intended use limitations in the claim need to positively stated for them to be given patentable weight. In view of these ambiguities the scope of the claim is not clear. Appropriate correction is required.

Claim 2 recites “a computer having an input and a output”. However it is not clear how the input and the output are functionally related to the other elements of the claim. For instance, is the input used to provide a set of settlement rules and a set of transfer instructions? Is the output used for reporting the result of the settlement to participants involved in the financial transaction? This claim also recites “an automated function for a clearing process and an automated function for a settlement process, the function for the clearing process being arranged to prepare transactions for the settlement process, with said function for the clearing process comprising:”. However it is not clear as to when the clearing of the transaction takes place. That is, after which automated sub-function, the clearing of the transaction takes place? Also in the claim the limitation “the locking-in having the effect of reserving said assets for a specific settlement” is interpreted as an intended use of the locking-in step. The feature of reserving said assets for a specific settlement is not positively recited to assure that the reserving has indeed taken place. Also the limitation “to transfer the locked-in assets between participants in the CSD” is interpreted as intended use of the transfer instructions. Similarly the limitation “to

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complete settlement of the financial transaction” is interpreted as intended use of the checking feature. Hence it is not clear as to which sub-function performs the settlement of the financial transaction takes place. The intended use limitations in the claim need to positively stated for them to be given patentable weight. In view of these ambiguities the scope of the claim is not clear. Appropriate correction is required.

Response to Arguments

4. Applicant's arguments with respect to claims 1-2 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Narayanswamy Subramanian whose telephone number is (571)

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272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Charles Kyle can be reached at (571) 272-6746. The fax number for Formal or Official faxes and

Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Narayanswamy Subramanian/
Primary Examiner
Art Unit 3695

October 27, 2009